

Martin Creek Instream Restoration ENVIRONMENTAL ASSESSMENT

South River Field Office

EA# OR-105-03-05

Date Prepared: April 7, 2004

Finding of No Significant Impact

The South River Field Office, Roseburg District, Bureau of Land Management (BLM), has completed the Environmental Assessment (EA) for the Martin Creek Instream Restoration project. Two alternatives were analyzed consisting of Alternative 1, the "Proposed Action" and Alternative 2, "No Action." The alternatives are described in Chapter 2 of the EA (pp. 3-4).

The following Critical Elements of the Human Environment will not be affected because they are not present in the project area: Areas of Critical Environmental Concern (ACEC); Prime or Unique Farmlands; Wild and Scenic Rivers; Wetlands; Wilderness; Wastes, Hazardous or Solid.

The following Critical Elements of the Human Environment will not be affected by the proposed instream restoration work: Air Quality; Visual Resources; Water Quality. No unique characteristics will be impacted, as described in Council on Environmental Quality Regulations contained in the Code of Federal Regulations at 40 CFR § 1508.27(b) (3).

The project is consistent with Executive Order 12898 which addresses Environmental Justice in minority and low-income populations. There will be no impacts to low-income or minority populations. Correspondence with local Native American tribal governments did not identify unique or special resources providing employment, subsistence or recreation opportunities.

Correspondence with local Native American tribal governments did not identify any religious concerns or values associated with the project site, so there will be no effect with regards to Native American Religious Concerns (40 CFR § 1508.27 (b) (8)).

Section 106 responsibilities, under the National Historic Preservation Act, have been met by the BLM in accordance with the 1998 Oregon State Historic Preservation Office protocols. A review of current inventories identified one documented prehistoric site in the immediate project area. This site will be protected from any disturbance. Surveys of the remainder of the area were conducted and no further sites were located. As a consequence, there will be no impacts to scientific, cultural, or historical resources (40 CFR § 1508.27 (b) (8)).

The project area is within the home range of two pairs of the Federally-threatened northern spotted owl (*Strix occidentalis caurina*), and in the 35-50 mile management zone for the Federally-threatened marbled murrelet (*Brachyramphus marmoratus*). The Federally-endangered bald eagle (*Haliaeetus leucocephalus*) is known to roost and forage in nearby Cow Creek.

Suitable habitat for the Federally-threatened Kincaid's lupine (*Lupinus sulphureus* ssp. *kincaidii*) is also present in the project area. A determination of "no effect" was made for Kincaid's lupine, because site surveys did not locate any populations of the lupine.

The BLM has made a determination of "may affect, not likely to adversely affect" for the spotted owl, based on modification of suitable habitat. This modification would be minimized by implementation of the following project design criteria contained in the Biological Opinion for FY 2003-2008 management activities from the U.S. Fish and Wildlife Service dated February 21, 2003. (Ref. # 1-15-03-F-160)

- Selected trees would be free from a large amount of rot.
- Selected trees would not be capable of providing nesting structure.
- Selected trees would not be located so as to afford protection for trees containing suitable nesting structure.

Effects to designated critical habitat for the northern spotted owl were determined as a "may affect." The Biological Opinion determined that despite the scattered removal of trees, Critical Habitat Unit OR-62 "... will function as intended and impacts are expected to be minimal."

A determination of "no effect" was initially made for disturbance because no known owl activity centers were within ¼-mile of any portion of the project area, and the project would occur after June 30th, beyond the critical period during which nesting birds would be susceptible to activity-induced disturbance. Since the analysis was conducted, the Martin Creek owl pair has relocated to an alternate activity center which is within ¼-mile of a portion of the project area. Surveys for nesting activity will be conducted, and if owls have successfully nested work on that portion of the project will be deferred until such time as the owls relocate or are unsuccessful in nesting.

A determination of "may affect, not likely to adversely affect" was made for disturbance to murrelets because clearance survey are being conducted, and daily operational restrictions would be applied (EA, p. 15) during the nesting season if murrelets found in occupancy within ¼-mile of the project area. The project was determined as "likely to adversely affect" murrelets for habitat modification because felling or pulling trees for instream structures could result in the direct or indirect loss of suitable nest trees, and create canopy openings that would expose nests directly to the weather or to predation.

A determination of "may affect, not likely to adversely affect" was made for the bald eagle. The distance from Martin Creek to Cow Creek or the South Umpqua River makes the probability that eagles would nest in the project area very low. Tree selection in association with the instream project will avoid dominant trees that could provide nesting habitat. Potential roost trees could be removed, but overall stand conditions will remain largely unchanged and still provide roosting habitat.

The BLM is engaged in formal consultation with the U.S. Fish and Wildlife Service for effects on marbled murrelet, and informal consultation for concurrence on determinations regarding the bald eagle. Reasonable and Prudent Measures and Terms and Conditions contained in the forthcoming Biological Opinion will be implemented to reduce the likelihood of incidental take of any listed species.

As a consequence, there will be no significant adverse impacts to any special status species in the project area (40 CFR § 1508.27 (b) (9)), and any impacts will be within the range and scope of those analyzed in the Roseburg District *Proposed Resource Management Plan/Environmental Impact Statement* (PRMP/EIS).

Martin Creek provides spawning and rearing habitat for Oregon Coast coho salmon and Oregon Coast steelhead trout, and is Essential Fish Habitat for coho salmon. The short-term effects of the proposed project on coho salmon and steelhead trout will be primarily attributable to fine sediment derived from erosion of disturbed areas, stream bank disturbance, and instream activities associated with the project. In the long term, the project will benefit salmon and trout. Replacement of the culvert on Road No. 32-7-1.2 will restore access to approximately 1 mile of habitat in a side-tributary of Martin Creek (EA, p. 4). The placement of instream structures in Martin Creek will aggrade the stream, reduce fine sediments, improve and augment spawning and rearing habitat for fish, and improve water quality in general.

The project will have a short-term “adverse effect” on Essential Fish Habitat associated with sediment. The National Marine Fisheries Service addressed the effects of this type of project in the October 18, 2002, *Programmatic Biological and Conference Opinion for Programmatic Activities Affecting SONC Coho Salmon, OC Coho Salmon, and OC Steelhead*. This opinion sets forth Conservation Recommendations to minimize effects to Essential Fish Habitat.

The project design criteria and best management practices to be employed in the implementation of the project are consistent with the Conservation Recommendations contained in the opinion. As a consequence, the project will not have any significant adverse impacts to Essential Fish Habitat, within the context of 40 CFR § 1508.27(b) (9).

The Martin Creek Instream Restoration project is consistent with applicable Federal, State, and local laws (40 CFR § 1508.27(b) (10)). The impacts of the proposed action on the human environment do not exceed those anticipated and addressed in the Roseburg District PRMP/EIS.

Of the twelve points listed under 40 CFR § 1508.27(b), the following were considered and found not to apply to the proposed action: significant beneficial or adverse effects; significant effects on public health or safety; effects on the quality of the human environment that are likely to be highly controversial; anticipated cumulatively significant impacts; highly uncertain or unknown risks; and no precedents for future actions with significant effects.

Pursuant to Executive Order 13212, the BLM must consider the effects of this decision on the President’s National Energy Policy. Within the project areas, there are no known energy resources with the potential for commercial development, nor are there any pipelines, electrical

transmission lines, or energy producing or processing facilities. As a consequence, the proposed Martin Creek Instream Restoration project will have no known adverse effect, either direct or indirect, on National Energy Policy.

Based on the analysis of potential impacts contained in the EA, I have determined that the proposed action will not have significant impact on the human environment within the meaning of Section 102(2)(c) of the National Environmental Policy Act of 1969, and that an EIS is not required. I have determined that the proposed action is in conformance with the Roseburg District PRMP/EIS and *Record of Decision/ Resource Management Plan* (June, 1995).

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Date